

**Regular meeting** of the Town Board of the Town of Chester was held **January 10, 2012** at 7:30 pm in the Town Municipal Center, Chestertown, NY.

Roll Call: Frederick H. Monroe, Michael Packer, Edna Wells, Karen DuRose, Steve Durkish. Attorney for the Town, Mark Schachner.

**Public Hearing** for Ellis Wastewater Variance. Applicant could not be present and had asked for the public hearing to be adjourned until February. However, since the hearing had been noticed, and interested parties were present, Supervisor Monroe asked the Town Engineer/Consultant, Al Matrose, to address the audience with regard to the project, and stated that comments from the audience could be taken. Proposal is for a 330 gallon per day septic system. Mr. Matrose explained that under the new Sanitary Code, when a conventional system cannot be installed, and when setback requirements cannot be met, an applicant must apply for a variance, with the Town Board acting as the local Board of Health. The plans for this particular project were submitted over a year ago. Mr. Matrose had submitted a couple letters of concern and questions to be addressed by the applicants' Engineer, and we are currently waiting for a response to the latest request. Mr. Matrose talked about the severe slope on the property, where 35 ft. from the edge of the drop-off is required, but only 10 ft. is available; any new system under the new code needing a ½ size replacement area; separation from neighboring wells, and stated that applicants own well is down gradient from his own septic. The only comment from the public was from Pat Wilcox who stated that she and her husband were opposed to the project.

**RESOLUTION #7: ADJOURN PUBLIC HEARING FOR ELLIS SEPTIC VARIANCE TO THE FEBRUARY MEETING.**

Introduced by Mr. Monroe, seconded by Mr. Durkish to adjourn the public hearing on the Ellis Septic Variance until the February 14<sup>th</sup> meeting, on the condition that all information requested has been received by February 7<sup>th</sup>.

AYE 5 NO 0

**RESOLUTION #8: ACCEPT MINUTES OF THE DECEMBER MEETING.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, the Minutes of the December meeting were accepted, as presented.

AYE 5 NO 0

**Privilege of the floor:**

Linda Muench informed the board that the winter greenery in the planters by the Grand Union had been donated by Lauren Pereaue.

Barbara Thomas submitted copies of minutes of the Caroline Fish Nature Trail meeting from October through January. Based on the grant received through First Wilderness Heritage Corridor, part of the money can be used for the planning and design of upgrades to the trail according to Wayne LaMothe from Warren County Planning. The upgrades

will be done in phases by the Chamber committee that is made up of interested people.

**Mr. Monroe** stated that he had received updated plans from Winslow Moore with regard to the Solar Panels to be used on Dynamite Hill. The plan calls for Pole Mounted panels, rather than ground mounts which had been approved not only by NYSEERDA, but also by the APA. The pole mounts cost considerably more than the ground mounts, but if the town is interested in this concept, he would not charge extra for what we would pay for the solar, he would design the rest of it, and if we could build it with town forces, it would not change anything in the amount that it would cost the town for electricity at the site.

**Don Butler** stated that he and some other business people in town had formed a Tri-Lakes Business Alliance to come up with some ideas to help promote the community, working with both the Chamber and the Town board. Meetings are held on Friday's at the Panther Mt. Inn at 9:00 am, and are only 1 hour long. Some suggestions included "cluster" sewer systems which would be advantageous for such businesses as a Car Wash, or a Laundromat, and would be more of an attraction to other businesses to settle here. Another thought was to allow the snowmobile trail to come into town, maybe using one side of the sidewalk on Route 9, or Theriot Avenue, which is a one way street. Attorney Mark Schachner stated that sidewalks cannot be used for anything other than a sidewalk on State Roads. With regard to the sewer system, Mr. Matrose and Mr. Monroe will meet with DEC for some more information, and possibly find out if and where the money is if there is a chance that it could be funded. Most grant money would be awarded to areas where leaching of existing septic systems were creating health issues. Angie Meade of Gallo Realty stated that if something isn't done soon, in ten years the town will only have tumbleweed going down the streets.

**Mary Jane Dower** commended Jason Monroe and the crew for the work they did on the snowmaking for Dynamite Hill. The board has received many favorable comments, and there was a nice article in the Post Star about the project.

**Old business:**

**Mr. Monroe** reported on the status of the Solar project. All the panels are up and operating at the Transfer Station, and we are waiting for approval from National Grid to begin producing at the Highway Garage. The footings are in for the solar panels here at the Municipal Center, and the trenches were dug at the Health Center by the Highway crew. To erect the solar panels on poles will be more of an expense for Edge Design and Solar Novar, but will look better than the ground mounted panels. Town will have to go back to the Park Agency for approval. Base of the panels will be 7 ft. high, but may need to be higher when snowmobiles are going through, although the area should be fenced off. Some of the Dynamite Hill grant money

could be used to help pay for it. Mr. Monroe will tell them that they are considering the change.

**Planning Board member and alternate.** No interest has been shown to date regarding these positions.

**Town Hall Sign.** Town has received a variance to increase the size of the sign to 50 square feet, excluding the supporting structure. Behan Planning will re-design the plan, to allow for a larger area at the bottom of the sign for the changeable letters. Town had tried bidding this project out, but no one responded. May be more feasible to bid the sign separately from the structure.

**Electronic Recycling Project.** Mr. Monroe stated that he had signed the contract with Regional Computer Recycling & Recovery. There will be no charge to anyone bringing recyclable electronics to the Landfill, and there will be Gaylord boxes on site to put them in. There will be certified destruction of the hard drives of a computer, or any material that is on the hard drive. Company will provide the containers which will be placed on pallets under the roof of the recycle center with each component having it's own box. TV's will be shrink wrapped. John West stated that they will be checking closely that those items coming in are from people with valid Town permits to use the Landfill.

**New Business:**

**Request for Occupancy Tax money.** President of the Town of Chester Historical Society, Nancy Tennyson, has requested \$5000.00 from Occupancy Tax money to cover startup costs for advertising and getting information out with regard to the Warren County bicentennial which is to take place in 2013. Town of Horicon has already agreed to provide \$5000.00.

**RESOLUTION #9: APPROVE \$5000.00 OCCUPANCY TAX MONEY FOR HISTORICAL SOCIETY FOR COUNTY BICENTENNIAL.**

Presented by Mrs. Wells, seconded by Mr. Durkish, motion was made to approve \$5000.00 of Occupancy Tax money for the Historical society to use for planning and advertising with regard to the Warren county bicentennial in 2013. Although a County celebration, each town will do its own thing. Former Fairgrounds in Pottersville will be used. Roll call vote as follows:

Mr. Durkish - AYE      Mrs. Wells - AYE  
Mr. Monroe - AYE      Mr. Packer - AYE  
Mrs. DuRose - ABSTAIN

**School Lake Park District.** Schroon Lake Park District manages the Starbuckville Dam. Joe Koch, Chairman of the District, stated that they have excess property that they want to sell, and they have a buyer for it. It abuts the campground owned by Joe Bravada, located across from the dam on the Valentine Pond Road. The District would

like a resolution from the Town in order to sell this parcel.

**RESOLUTION #10: TOWN OF CHESTER OFFERS NO OBJECTION TO SALE OF LAND IN SCHROON LAKE PARK DISTRICT.**

Introduced by Mr. Monroe, seconded by Mrs. DuRose, the Town board of the Town of Chester has no objection to the Schroon Lake Park District negotiating for the sale of excess property adjacent to the Riverside Campground.

AYE - 5 NO - 0

**Youth Court funding.** Warren County is not adequately funding the Youth Court program, due to push backs by the State, and the County has asked the towns to fund it, which several towns have agreed to do. The program serves to help keep some of the juveniles out of the regular court system, and it gives them experience, in that the students serve as judges, prosecutors, defense attorney's, etc. It diverts some of the resources that would otherwise be used in the District Attorney's Office, the Public Defender, and in the Courts.

**RESOLUTION #11: AUTHORIZE TOWN CONTRIBUTE \$1000.00 TO YOUTH COURT PROGRAM.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose to support the Warren County Youth Court with a contribution of \$1000.00.

AYE - 5 NO - 0

**Milfoil contracts.** APA will not approve use of the herbicide Renovate until a baseline study of 50 x 50 grids are done in the infested areas of Loon lake. Renovate is much more cost effective than hand pulling the invasive species. Money has been budgeted for this venture, and the goal is to get the cost down to bring the problem under control. Lycott Inc. believes that 6 weeks of work is all that will be needed if a lot of it is done by volunteers, whom Supervisor Monroe commended for saving the town so much money by their efforts. It will cost about \$55,000.00.

**RESOLUTION #12: APPROVE CONTRACT WITH LYCOTT TO CONDUCT AQUATIC SURVEY OF LOON LAKE.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve plan for Lycott to conduct Tier 3 aquatic survey of milfoil infestation and determine potential efficiency for using the herbicide Renovate in place of hand harvesting invasive species in Loon Lake.

AYE - 5 NO - 0

**Bill McGhie** of East Shore Schroon Lake Association stated that the milfoil is spreading in Schroon Lake, and Essex County has contracted with Steve LaMere for mitigation. The Association is willing to give from \$7000.00 to \$10,000.00 for the project, and would like to have a study on that portion of the lake located in Warren county. Town of Horicon has already signed a contract for \$20,000.00.

Supervisor Monroe feels that our share should be based on our assessed valuation which is about 10%, while Horicon is at 28%. He also feels that there needs to be a change on Schroon Lake with regard to how the milfoil situation is being handled, as it is not getting any better. Mr. McGhie & the Association would like to put it out for bid, and they feel that Lycott or Aim would do a good job. Money is budgeted for milfoil for this year, but the details need to be worked out, based on assessed valuation. The request is for \$7,000.00. Attorney Schachner stated that there is some discussion at the County level for using bed tax money for the eradication of invasive species, such as the Asian clams, and he feels that there is not much distinction between the eradication of Asian clams and the eradication of milfoil. Town of Schroon and the Schroon Lake Association are not willing to donate to this plan. The board agrees with the concept of contracting with the East Shore Schroon Lake Association in sharing the cost in some relationship based on the assessed value of Chester and Horicon. Any contract would be reviewed by Attorney for the Town before Town enters into any agreement.

**Pine Street unsafe building.** Thermo home building, report from C.T. Male stating that asbestos was present in the roof. Attorney Schachner had written a letter to Justin Heller, the Trustee in Bankruptcy for the property, and he acknowledged receipt of notice. Mr. Monroe felt that the town could go ahead and do the demolition and assess the cost against the property. Since asbestos is present, CT Male will have to design a work plan stating what they will do with the asbestos. Mr. Monroe feels that the board should authorize them to go forward so that the building can be taken down.

**RESOLUTION #13: AUTHORIZE CT MALE TO DESIGN WORK PLAN FOR ASBESTOS REMOVAL AND TAKE DOWN UNSAFE BUILDING.**

Introduced by Mr. Packer, seconded by Mrs. Wells, authorization to give CT Male the go-ahead to design a work plan for removal and disposal of the asbestos in the unsafe building on Pine Street, and assess the cost against the property, as allowed under our Unsafe building code. Prices will be given for the plan. Discussion on ownership of equipment inside the building is being questioned, and Mr. Schachner will let Mr. Heller know about it.

AYE - 5 NO - 0

**Dynamite Hill grant.** Total project estimated by Wayne LaMothe to be \$75,000.00, the grant is for \$37,500.00. He feels that we can match it with volunteers and town forces for the overall concept, new trails, and possibly lighting, and we may be able to incorporate the changes to the solar (on poles) in it. The problem is that now without the County planners being in place, the question is how do we administer the grants. (First Wilderness Corridor grant). Chamber volunteers are working on the trails, and we have the plans for the solar.

**RESOLUTION #14: AUTHORIZE SUPERVISOR TO SIGN LARAC CONTRACT.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, motion made to authorize Supervisor to sign the LARAC contract for the Seagle Colony performance for 2012.

AYE - 5 NO - 0

**Goals for water district.** Jason Monroe will be meeting with the Engineers on Wednesday to determine where the north and south boundaries should be with regard to the grant money for extending the water district. The plan was to bring the water line down to the Peckham plant, and on the way, to include the Considine/Cornucopia property which might be considered ideal for affordable housing. They also would like to have them look at the district, to find out if there are other places where they should expand the district, or extend water mains. Town would like to get the water line closer to the Northway. Up Knapp Hill Road, Pine Knoll subdivision has water, but it is not in the district. Jason's biggest concern is for future water storage capacity. Mr. Monroe stated that you can expand the district to an area already being served, which would not affect capacity. They may recommend an 8" main, and other businesses coming in to the Industrial Zone property would need water. The town will consider the Engineer's recommendations.

**Employment of court officer.** To be done in executive session.

**RESOLUTION #15: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH WARREN COUNTY FOR SNOW AND ICE WORK.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Mr. Monroe to sign contract with Warren County for snow and ice work, mowing and sweeping.

AYE - 5 NO - 0

**Report on ACO State inspection.** Supervisor Monroe stated that a State Inspector came to look at our records and equipment, feeling that there was additional equipment needed. Also inspected the newly constructed animal shelter, and Mr. Monroe received an email stating that it was an excellent concept to be used as a model, although still needing the addition of windows, insulation, etc. They requested training, some of which was done with Miller, Mannix office. ACO Maxam has received certification in micro-chipping and scanning of companion animals, parasite counselor, fleas & ticks. Ags & Markets recommends some additional training.

**Request for plow - Highway Dept.** Jason Monroe requesting a plow to be installed on the truck of the Deputy Highway Superintendent. All tandem dumps, and one 1-ton dump truck have plows, and request is for Superintendent to better utilize his time by plowing the cul-de-sacs,

bus turn arounds, the churches, Conservation club, etc. for the north end of the route. With six trucks, each route is roughly 3 ½ to 4 hours long, with 127 miles of roads to plow. Deputy used to plow the cul-de-sacs, etc., but Jason feels that his doing these duties will be an improvement of services, rather than him just hanging around in the shop. He explained that in previous snow storms, they often receive calls to help get an ambulance out of a driveway, where it is stuck due to the snow. That means he or the deputy must drive to the garage, pick up the one-ton, and respond to that call. If the deputy has a plow on his truck, Jason will leave his pickup at the garage when a storm is pending and bring the one-ton home, so he is basically available to plow in an emergency, making the call in response quicker. Jason also has proposed, subject to Union approval, to change the call in time from 7:00 am to 6:00 am, which will save 11 hours of call in time per incident.

Jason has received a price for a Fisher, 8 ft. straight steel plow for \$4040.00. The plow can be funded from some of the FEMA reimbursement money that the town has received.

**RESOLUTION #16: APPROVE PURCHASE OF A PLOW FOR DEPUTY HIGHWAY SUPERINTENDENT'S TRUCK.**

Introduced by Mrs. Wells, seconded by Mr. Packer, motion made to approve purchase of a Fisher, 8 ft. straight steel plow for Deputy Highway Superintendent's truck, with a motion for a budget amendment to be made at February meeting.

AYE - 5 NO - 0

**Fire Chief defense against ACO.** Jack Crossman explained that despite some of the writings that he had read, authored by Ms. Maxam, he has never been approached by her personally with regard to her offer of pet masks for administering oxygen to animals, and training on how to use them. He felt that some of her writings were an embarrassment to the town.

**Request to increase Health Insurance buyout.** Request from Union to increase the buyout amount for individuals opting out of health care coverage when they have other plans in place. Supervisor Monroe stated that boosting the incentive to employees with other coverage available will save the taxpayers thousands of dollars per year. The buyout would be \$1000.00 for 1 person, \$1500.00 for 2 people, \$2000.00 for 3, and \$2500.00 for a family of four or more.

**RESOLUTION #17: APPROVE INCREASE IN BUYOUT AMOUNT FOR INDIVIDUALS OPTING OUT OF HEALTH INSURANCE COVERAGE.**

Introduced by Mr. Monroe, seconded by Mr. Packer, motion to approve increase in buyout amount for employees opting out of health insurance coverage, and providing proof of other insurance coverage. Amounts to be \$1000.00 if a single person opts out, \$1500.00 each for 2 employees opting out, 3 employees - \$2000.00 each, and 4 employees-

\$2500.00 each.

AYE - 5 NO - 0

**Former Zoning clerk request vacation pay in lieu of time off.** Former Zoning Clerk, Pat Smith had accumulated 62 and ½ available vacation hours to be used by May 30<sup>th</sup> of 2012, with an original hire date of June 1<sup>st</sup>. Mrs. Smith offered forfeit of 22 and ½ hours, with one weeks pay in lieu of time off to begin her new position as Town Clerk beginning January 1<sup>st</sup> of 2012.

**RESOLUTION #18: APPROVE PAT SMITH ONE WEEK VACATION PAY IN LIEU OF TIME OFF.**

Introduced by Mr. Monroe, seconded by Mrs. DuRose, approve one week's vacation pay in lieu of time off for 2011 for former Zoning Clerk, Pat Smith.

AYE - 5 NO - 0

**Wendell Ross request for response to his letter.** To be discussed in executive session, involving water district.

**Summons for dog cases.** Discussion on recusal issues with the local court and transfer of cases.

**Motion** introduced by Mrs. DuRose, seconded by Mr. Monroe, board went into executive session at 9:30 pm to discuss employment history of particular individuals possibly leading to employment, or suspension of employment of various personnel.

AYE - 5 NO - 0

Motion introduced by Mr. Monroe, seconded by Mrs. Wells, board came out of executive session at 10:30 pm. No action taken.

AYE - 5 NO - 0

**RESOLUTION #19: APPOINT DEPUTY COURT CLERK.**

Introduced by Mrs. Wells, seconded by Mr. Monroe, motion made to appoint Jeremy Little to position of Deputy Court Clerk.

AYE - 5 NO - 0

**RESOLUTION #20: APPOINT COURT OFFICER.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, motion to appoint Dave Cavanaugh to position of Court Officer.

ROLL CALL VOTE:

Mr. Durkish - AYE

Mrs. DuRose - AYE

Mrs. Wells - AYE

Mr. Monroe - AYE

Mr. Packer - ABSTAIN

**RESOLUTION #21: AUTHORIZE PAYMENT OF ABSTRACTS, BUDGET TRANSFERS AND ACCOUNTING REQUIREMENTS AND APPROVE CLAIMS PAID PRIOR TO AUDIT.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorizing payment of abstract, budget transfers and accounting requirements and approve claims paid prior to audit.

General Fund	\$41,740.45	(588-628)
Highway Fund	\$31,536.02	(226-245)
Chtwn water	\$ 1,613.80	(62-66)
P'Ville water	\$ 560.35	(65-69)
Library	\$ 507.27	(64-65)
Loon Lk. Park Dist.	\$ 2,012.00	( 7 )

<u>2012</u>		
General Fund	\$40,286.28	( 1-25 )
Highway fund	\$18,992.00	( 1-2 )
AYE - 5 NO - 0		

Motion by Mr. Monroe, seconded by Mr. Packer, meeting adjourned at 10:35 pm.

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Town Clerk